

MARKED UP VERSION OF THE AMENDED CLAIMS

(Version with marking to show changes made)

11. (amended) A method for using a computer to present price comparison to a prospective buyer for products offered for sale by a plurality of merchants, said merchants stocking said products in stores that said prospective buyer may personally visit to see and/or touch and/or feel said products, said method comprising:
collecting information from a plurality of said merchants that comprises data on said products including price;
storing said data into at least one of a plurality of databases;
entering a product and a state into the computer by a prospective buyer;
presenting [at least one of] a plurality of records associated with merchants having local stores in said state wherein the records show [that shows said] a price comparison between the merchants having local stores to said prospective buyer.

12. (amended) The method for presenting a price comparison according to claim 11 further comprising
collecting additional information from sales circulars [, advertised specials, sales promotions, or merchants];

collecting information relating to merchant name, merchant address, product description, model number, regular price, sales price, coupons, rebates, colors, [or] and sizes;

[entering attributes into a search key;]

entering geographical region, postal code, town name, or county name [, state name, product name, product category, model number, product description, price, product features, or brand name] into the search key;

sorting the database according to price.

13. (amended) The method for presenting a price comparison according to claim 11 further comprising

[entering attributes into a search key;

sorting the database according to merchant name, product name or model number;]

entering data for merchants offering a specific product in a specific state into the database, wherein the data includes merchant name, product description, sales price, coupons or rebates;

providing access to the database through a browser interface;

presenting options to the prospective buyer for choosing a state and a product;

[choosing a state and a product by the prospective buyer;]

retrieving the data after the state and product are chosen by the prospective buyer;

sorting records in an ascending order based on sales price into a listing;

16. (amended) The method for presenting a price comparison according to claim 15 further comprising
entering a registration token [or a credit card number];
accepting the registration token [or credit card number] by the merchant;
guaranteeing a purchase by the merchant based on the accepting of the registration token [or credit card number] by the merchant.

17. (amended) The method for presenting a price comparison according to claim 11 further comprising
collecting additional information from sales circulars [, advertised specials, sales promotions, or merchants];
collecting information relating to merchant name, merchant address, product description, model number, regular price, sales price, coupons, rebates, colors, or sizes;
entering attributes into a search key;
entering geographical region, postal code, town name, county name, state name, product name, product category, model number, product description, price, product features, or brand name into the search key;
sorting the database according to [price, merchant name, product name or] model number;

entering data for merchants offering a specific product in a specific state into the database, wherein the data includes merchant name, product description, sales price, coupons or rebates;

providing access to the database through a browser interface;

presenting options to the prospective buyer for choosing a state and a product;

choosing a state and a product by the prospective buyer;

retrieving the data after the state and product are chosen;

sorting records in an ascending order based on sales price into a listing;

presenting the prospective buyer with the listing of merchants offering the product for sale in the chosen state;

furnishing an option to the prospective buyer to initiate sorting based on a merchant name;

mapping the data to a unique address for a geographical area-product combination;

connecting to the unique address;

immediately presenting comparison data for a unique geographical area-product pair to the prospective buyer;

checking inventory at a local store of a merchant upon request of a prospective buyer to determine availability of a chosen product;

reserving the product at the local store for pickup after determining availability has been performed;

entering a registration token or a credit card number;

accepting the registration token or credit card number by the merchant;

guaranteeing a purchase by the merchant based on the accepting of the registration token or credit card number by the merchant.

18. (new) A method for using a computer to present price comparison to a prospective buyer for products offered for sale by a plurality of merchants, said merchants stocking said products in stores that said prospective buyer may personally visit to see and/or touch and/or feel said products, said method comprising:
collecting information from a plurality of [said] merchants having local stores that comprises data on said products including price;
storing said data into at least one of a plurality of databases;
presenting at least one of a plurality of records that shows said price comparison to said prospective buyer.

Please cancel claim 20 without prejudice to its reintroduction at a later point in time.

Please cancel claim 22 without prejudice to its reintroduction at a later point in time.

Please cancel claims 20, 22 and 24 through 27 without prejudice to their reintroduction at a later point in time.

Please enter the following new claims:

28. (new) A method for presenting a price comparison to a prospective buyer comprising
collecting information for products offered for sale by a plurality of merchants in
local stores;
storing said information into records in a database;
connecting the database to a computer operated by a prospective buyer;
entering a product selected by the prospective buyer and a selected state into the
computer;
presenting to the prospective buyer on the computer a list of merchants selling the
selected product locally in the selected state and sorted in ascending order by price;
selecting a merchant and a local store by the prospective buyer;
entering the selected merchant and the selected store into the computer by the
prospective buyer;
delivering the selected product to the prospective buyer in the selected local store.

29. (new) The method according to claim 28 further comprising
reducing the purchase price by a coupon in the hands of the prospective buyer.

30. (new) The method according to claim 28 further comprising

rebating part of the purchase price upon purchase of the selected product by the prospective buyer to the buyer after the sale is established.

31. (new) The method according to claim 28 further comprising
collecting the information from newspaper advertising; and
searching the database based on a search key defining a product and a geographical region;
retrieving data from the database;
arranging the data in a sorted order to show comparison.

32. (new) The method according to claim 28 further comprising
entering a registration token into the computer for reserving purchase of a product available at a local store;
picking up the product at the local store based on the registration token;
granting to the prospective buyer a number of days of price protection during which time the selected merchant will return any price difference between the price paid and a price presented in a bona fide offer by another merchant to the buyer.

33. (new) The method according to claim 28 further comprising
collecting information for products from sales circulars into the database; and

presenting to the prospective buyer on the computer a number of top picks of merchants selling the selected product locally in the selected state and sorted in ascending order by price.

REMARKS

Claims 11 through 19, 21 and 23 continue to be in the case. Claims 20, 22, 24 through 27 are being cancelled without prejudice to their reintroduction at a later point in time.

New claims 28 through 33 are being introduced. The new claims are based on modifications of previously presented claims based on the language of the specification.

Claims 11-27 remain pending for examination

The Office Action of 12/31/02 gives a Response to Arguments of the applicants.

4. Applicant's arguments filed October 21, 2002 have been fully considered but they are not persuasive.

Applicant's arguments are deemed to be non-persuasive for the reasons outlined in the previous Office action (paper no. 8).

Applicant makes an assertion without any support for this assertion. For example, it is not clear where Ziff Davis and NetDynamics allegedly "agree not to

provide any price comparison between local stores and they also agree not to direct a buyer to a local store of the choice of the buyer." Applicant's argument is not persuasive.

Applicants respectfully disagree. Ziff Davis clearly directs the buyers to the mail order merchants of Computer Shopper magazine. NetDynamics directs the buyers to the catalog outlets. As neither Ziff-Davis nor NetDynamics directs a prospective buyer to a local store, they clearly agree not to send a prospective buyer to a local store, even though the references themselves send the prospective buyer to different directions.

Applicants respectfully request reconsideration.

The present invention provides presenting a price comparison of local stores to prospective buyers. For example claim 11 as amended of the present application reads: A method for using a computer to present price comparison to a prospective buyer for products offered for sale by a plurality of merchants, said merchants stocking said products in stores that said prospective buyer may personally visit to see and/or touch and/or feel said products, said method comprising:
collecting information from a plurality of said merchants that comprises data on said products including price;
storing said data into at least one of a plurality of databases;
entering a product and a state into the computer by a prospective buyer;

presenting a plurality of records associated with merchants having local stores in said state wherein the records show a price comparison between the merchants having local stores to said prospective buyer.

The Ziff Davis reference does not provide any price comparison. This is clear from the statements in the reference Ziff-Davis as follows:

paragraph 4 lines 3-4 Ziff Davis "... NetBuyer is designed to quickly and easily guide users through the entire buying process, from identifying their needs, to comparing products", and

also from **paragraph 12** lines 7-9 Ziff Davis "...Net Buyer was designed to enable buyers to quickly and easily **identify the products** that match their need, providing side-by-side **product comparisons**".

These citations expressly state that the Ziff Davis reference provides a **product comparison**, but not a **price comparison**.

The Net Dynamics reference also does not provide any price comparison. This is clear from the statements in the reference:

paragraph 1, lines 2-4 Net Dynamics "...Service Merchandise is moving its entire catalog onto the Internet by using Net Dynamics' **product**, enabling customers to shop and buy goods online"

paragraph 6, lines 1-3 Net Dynamics "...Net Dynamics application enabling customers to check to see if **a product they want is available** at their local Service Merchandise's store".

When applicants refer to that the Ziff Davis reference and Net Dynamics reference do not compare prices, applicants consider the situation, where a prospective buyer has entered a product and a state into a computer and where then the database returns price comparisons of local stores to the screen viewed by the prospective buyer. In contrast, the references Ziff-Davis and Net Dynamics only make accessible the advertising material about the products and the sellers (Ziff Davis) to a prospective buyer.

Ziff Davis and Net Dynamics only arrange placing the catalogue of the merchant onto the Internet and the buyer himself will carry out comparison of the products. This means, the references Net Dynamics, Ziff Davis and their combination only can help a customer compare the goods but they do not present a price comparison.

The applicants further assert that the references Ziff Davis and Net Dynamics do not direct a prospective buyer to a local store for choice of the product. This assertion is supported by the following statements of the reference **Ziff Davis**:

paragraph 1, lines 1-3 "...today announce that 189 **direct channel** computer vendors " and further "... the first **one-stop computer shopping** Web site", and

paragraph 4, line 6 "...actual purchasing will be made **directly** through vendors ", and also **Net Dynamics**

paragraph 1, line 2 " ...enabling customers to **shop and buy goods online**", and

paragraph 7, line 5 "...customers can also make **secure** purchases from the catalog over the Internet".

It appears important in this context to keep in mind that Ziff-Davis and NetDynamics have completely different goals: Ziff-Davis wants to set up a web site to provide net advertising and net sales to a plurality of merchants and NetDynamics wants to put the Service Merchandise catalog on the web with a possibility for a buyer to reserve a catalog item for pick-up in a local Service Merchandise store.

Applicants respectfully submit that where two references agree not to do what applicants claim (but direct to go each their own and different way), then any combination of such references will be even less suggestive of the disclosure and claims of the applicants.

The Office Action continues:

In order to present product information retrieved from a database (as taught by Ziff-Davis and discussed in the art rejection), **product information must inherently be sorted. This is how database search and retrieval works.**

Applicants respectfully disagree. There is nothing inherently required that product information must inherently be sorted. As can be seen from the weekly flyers of merchants with product offerings, there are many products offered without any sorting to take place. It appears that the most offers are for those products, which products the merchant apparently wants to get rid of first without any consideration of product sorting.

Applicants further respond by referring to the present application claim 11 as amended to read:

“...presenting a plurality of records associated with merchants having local stores in said state wherein the records show a price comparison between the merchants having local stores to said prospective buyer.”

The language of claim 11 as amended requires that price information be sorted and presented as a price comparison.

Ziff-Davis does not sort the product information based on the information given in Ziff Davis, **paragraph 7**, line 3 "As part of the charter agreement, advertisers have committed to keeping their product specifications and pricing current, and to **quickly responding to online** inquiries and product orders from NetBuyer users".

Since the advertisers themselves keep their specifications up to date according to Ziff-Davis, there can be no sorting by Ziff-Davis of the information kept up to date by the advertisers.

It is clear from this that Ziff-Davis does not sort the **product information**, because Ziff-Davis does not collect and/or update the product information.

The Office Action continues:

As stated in the art rejection, Ziff-Davis teaches the provision of "side-by-side product comparisons" (I1 12). **The phrase "side-by-side" implies a visual presentation of these product comparisons.**

Applicants respond:

The Office Action asserts that the phrase "side-by-side" implies a "visual presentation of these **product comparisons**" (see Office Action of 12/31/02). In contrast, the present application provides a **price comparison** through presenting a list of prices to the prospective buyer.

Claim 11 as amended of the present application requires: "... presenting a plurality of records associated with merchants having local stores in said state wherein the records show a price comparison between the merchants having local stores to said prospective buyer.

" and further

claim 18 as amended of the present application reads as follows: " A method for using a computer to **present price comparison** to a prospective buyer for products offered for sale by a plurality of merchants, said merchants stocking said products **in local stores** that said prospective buyer may personally visit to see and/or touch and/or feel said products, said method comprising:

collecting a plurality information from said merchants having local stores that comprises data on said products **including price**;

The Office Action continues:

Applicant argues that "Ziff-Davis does not disclose the type of information being collected [in claim 12]" (Page 11 of Applicant's Response filed October 21, 2002). The Examiner notes that **the information collected in claim 12 is listed in the alternative**; therefore, only one element of each list needs to be addressed in order to adequately apply art to the claims. This burden has been met by the Examiner, as explained in the art rejection.

Applicants respond by removing the alternative language and by amending claim 12 to read as follows:

"collecting additional information from sales circulars;

collecting information relating to merchant name, merchant address, product description, model number, regular price, sales price, coupons, rebates, colors, and sizes;”.

Ziff-Davis does not disclose the type of information being collected. The claims of the present application precisely require the type of information to be collected and for example require that the coupons, rebates, specific price, special sales events coupons and distribute coupons, special promotions, discount to the sales price are a part of information being collected.

The Office Action continues:

Since customers can search Ziff-Davis' database by product category, **a search key based at least on product category is inherent to Ziff-Davis.** Furthermore, since Ziff-Davis provides **"side-by-side product comparisons,"** **this means that Ziff-Davis' database may be sorted at least by product name.**

Applicants respond:

The proposed application precisely describes the type of information to be sorted see **claim 12 (amended)** “...sorting the database according to price.”

The Ziff-Davis reference does not teach sorting the database according to price.

For example, the Ziff-Davis reference recites in **paragraph 1**, lines 1-3: "...today announce that 189 **direct channel** computer vendors " and further "... the first **one-stop computer shopping** Web site",

It is clearly apparent that the Ziff-Davis reference does not sort the **product information and in particular by price**, because Ziff-Davis does not collect the product information.

The Office Action of 12/31/02 refers to Claim Rejections - 35 USC § 103(x).

7. Claims 11-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over "Ziff-Davis Signs Up 189 Advertisers for the Coming Launch of Its Computer Shopper NetBuyer Web Site" (herein referred to as Ziff-Davis) in view of "Service Merchandise Uses NetDynamics to Move Its Entire Catalog Onto the Internet" (herein referred to as NetDynamics).

The Office Action specifically states the following:

Ziff-Davis discloses a method for presenting a price comparison to a prospective buyer comprising:

[Claim 11] **collecting information** from a plurality of merchants relating to data concerning products and respective price information (§ 3, 12); **storing the information** into records of a database (§ 3, 12); **sorting the information** relative to products based on the database (§ 3, 12); **presenting the information** in a plurality of records to the prospective buyer (§ 3, 12);

There is nothing alleged in the Office Action that would support that the Ziff-Davis reference furnishes price comparison as alleged in applicants' claims. Applicants urge that a bold assertion of a general nature without support within the four corners of the reference is insufficient to reject applicants' claims.

Applicants respectfully request reconsideration of the rejection.

In particular, claim 11 of the present application expressly claims that the prospective buyer after having selected a product and a state is presented with a list of merchants having local stores based on price comparison.

The Ziff Davis reference does not describe **who presents the information**, and how this information is **stored, sorted and presented** to a prospective buyer. Compare the Ziff Davis reference:

paragraph 3 "...NetBuyer will provide users with detailed information on all major categories of computer products, which are gathered into an intuitive, fully searchable database" and

paragraph 12 "...NetBuyer's fully-searchable shopping database which, at launch, will include specifications for more than 42,000 products".

Claim 11 of the present application requires specifically how the information is collected **from a plurality of merchants, stored into records** of a database, **sorted relative to price and presented in a plurality of records to a prospective buyer with comparative prices.**

The Office Action continues:

[Claim 12] collecting the information from sales circulars, advertised specials, sales promotions, merchants (§ 3, 7, 12); **collecting information relating to merchant name, merchant address, product description, model number, regular price, sales price, coupons, rebates, colors, or sizes (§ 3, 7, 12);**

Applicants respectfully request reconsideration based on the amended language of claim 12:

"collecting additional information from sales circulars;
collecting information relating to merchant name, merchant address, product description, model number, regular price, sales price, coupons, rebates, colors, and sizes;"

The Ziff Davis reference only collects the information about **a products, a pricing current and special offers from campaigns.** Compare the Ziff Davis reference as follows:

paragraph 7 "... As part of the charter agreement, advertiser have committed to keeping their **product specification and pricing current**, and quickly responding to online inquiries and product orders from NetBuyer users";

Ziff Davis does not collect additional information and does not teach to sort product order based on geographical region, postal code, town name, or county name.

Compare the Ziff Davis reference as follows:

Paragraph 3 "...detailed information on all major categories of **computer products**, which are gathered into an intuitive, fully searchable database ";

paragraph 7 "...**product Special Offer positions.**";

paragraph 12 "...**include specifications** for more that **42,000 products**";

paragraph 12 "...**vendor special offers** and editorial buying advice".

In present application **claim 17** clearly requires the type of a plurality information being collecting from a merchant: prices, product description, model number, regular price, sales price, specific price, special sales events coupons and distribute coupons, special promotions, discount to the sales price and geographical region.

The Office Action continues:

entering attributes into a search key (§ 3, 12); entering geographical region, postal code, town name, county name, state name, product name, product category, model number, product description, price, product features, or brand name into the search key (§ 3, 12);

The Applicants respectfully respond:

[claim 17 (amended)]”...entering geographical region, postal code, town name, county name, state name, product name, product category, model number, product description, price, product features, or brand name into the search key;”

In Ziff Davis in contrast:

paragraph 3 “...detailed information on all major categories of computer products, which are gathered into an intuitive, fully searchable database ”, and

paragraph 12 “...NetBuyer’s fully-searchable shopping database”.

Ziff Davis does not disclose anything about types of attributes that are entered into a search key. As Ziff Davis does not **collect** the information and does not **sort** the information then Ziff Davis will not use a search key for a database. The proposed claim 17 recites the types of attributes to search the information.

The Office Action continues:

[Claim 13] entering attributes into a search key (§ 3, 12); sorting the database according to merchant name, product name or model number (if 3, 12); entering

data for merchants offering a specific product into the database, wherein the data includes merchant name, product description, sales price, product description, sales price, **coupons or rebates** (§ 3, 6, 7, 12);
providing access to the database through a browser interface (§ 3 -- "**webbased**").

Applicants respectfully request reconsideration.

In clear contrast to claim 13 as amended, the Ziff Davis reference takes account only rate-card price, special offers and limited-time offers, compare Ziff Davis, **paragraph 6**, lines 7-8, "...Special Offers, or pop-up ads that highlight special, limited-time offers ", but Ziff Davis does not teach to furnish a sorting order including a disposition of a local store. Thus the Ziff Davis reference clearly does not suggest the present invention. The present application as expressed in claim 13 and claim 17 furnishes and presents a list price comparison as well as additional information, especially, relative to disposition a local store. Therefore, the claims of the present application involve also a different way of collecting, sorting, searching and displaying the information.

The Ziff Davis reference clearly fails to consider sending a prospective buyer to a local merchant and directing the buyer to the local store. According to Ziff Davis, the buyer can only take purchase products through a secure transaction using the Internet site of the seller, see **paragraph 12** "NetBuyer will bring computer

product buyers and sellers together in an interactive “**one-stop shopping**” environment” and see also

Ziff Davis **paragraph 3** “Computer Shopper NetBuyer is a Web-based business innovation that carries forth Ziff-Davis’ long history of bringing computer buyers and sellers together”.

However, visiting a local store the buyer can find specific prices or a discount to the sales price and the buyer can avoid typographical errors on website or search engines. For example pictures on a website are for illustration purposes only and may not necessarily depict the item advertised.

The proposed application also discloses the input and output interfaces to the apparatus are provided via the World Wide Web, Email, voice telephony, or video telephony.

The Office Action further asserts that:

As per **claim 11**, Ziff-Davis does not explicitly teach that **merchant products** compared and presented to customers on the Internet can be ordered online and picked up from a local store; however, NetDynamics makes up for this deficiency.

NetDynamics provides the following services through their affiliates:

Included with the expanded catalog are NetDynamics applications enabling customers to check to see if a product they want is available at **their local Service Merchandise store**. Customers will be able to reserve the item online before visiting the store to pick it up...

Rinat explained that all of this is made possible because NetDynamics enables the development of Web applications that tie into extensive data sources. In the case of Service Merchandise, these data sources include **product listings, price, and availability**. NetDynamics enables Service Merchandise customers to access this information over the Internet and then to purchase it through **a secure transaction**. (§ 6, 8)

Both Ziff-Davis and NetDynamics are concerned with providing a convenient Internet shopping experience to the customers; NetDynamics takes this concept one step further and fulfills many customers' need for immediate gratification (i.e., the **ability to pick up a desired product from a local store**). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of **collecting information from a plurality of merchants relating to data concerning products in store locations and respective price information, wherein the prospective buyer is capable of visiting the store locations**, with Ziff-Davis' Internet shopping system in order to reap the benefits of Ziff-Davis' product and price comparison features among

multiple merchants while fulfilling many customers' need for immediate gratification (i.e., the ability to pick up a desired product from a local store).

Both Ziff-Davis and NetDynamics are concerned with providing a **convenient Internet shopping experience** to the customers; NetDynamics takes this concept one step further and fulfills many customers' need for **immediate gratification** (i.e., the **ability to pick up** a desired product from a **local store**). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of collecting information from a plurality of merchants relating to data concerning products in store locations and respective price information, wherein the prospective buyer is capable of visiting the store locations, with Ziff-Davis' Internet shopping system in order to reap the benefits of Ziff-Davis' product and price comparison features among multiple merchants while fulfilling many customers' need for immediate gratification (i.e., the ability to pick up a desired product from a local store).

Applicants respectfully request reconsideration.

NetDynamics states in **paragraph 6** "...enabling customers to shop and buy goods online", and in **paragraph 8** "...purchase it through a secure transaction". Based on these statements in **paragraph 6**, it is clearly taught in NetDynamics that the customers check only if a product is available and pick the product up after

purchasing: "... NetDynamics applications enabling customers to check to see if a product they want is available at **their local Service Merchandise store**. Customer will be able to reserve the item online before visiting the store to pick it up. "

According to the present application, a prospective buyer is directed to look at a product in a local store so as to personally visit the local store, in order to see and/or touch and/or feel said product, and only then to purchase the product.

Claim 11 of the present application as amended specifies "...buyer is capable of visiting the local store" and then "... presenting a plurality of records associated with merchants having local stores in said state wherein the records show a price comparison between the merchants having local stores to said prospective buyer."

Claim 18 as amended of the present application requires "...said merchants stocking said products in local stores that said prospective buyer may personally visit to see and/or touch and/or feel said products"

The language in **claim 11 of the present application "presenting the information"** refers to presenting a list of a price comparison of a product in a plurality of records which is suitable to satisfy the requirements of a customer.

Not only a price of the product is taken into account for **presenting the information** to the prospective buyers, but according to the sub claims also the additional information such as circulars, sales promotions, sales price, coupons,

rebates, merchant address, geographical region, postal code, town name, county name, state name, daily/weekly/monthly sale events advertised by merchants.

Neither Ziff Davis nor Net Dynamics suggest presenting the information of a price comparison. Therefore the references combined also fail to suggest furnishing a price comparison of prices at local stores.

The Office Action continues:

Regarding **claim 12**, Ziff-Davis conveys the importance of allowing customers to **search for products** that meet the individual needs of each customer (§ 3, 4); however, Ziff-Davis does not expressly disclose the **sorting of its product database by price**. The Examiner asserts that price is often a factor taken into account when customers shop for products that meet their needs; therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to sort Ziff-Davis' product database according to price in order to allow customers to more quickly narrow down their product selections to a more reasonable set of products that are the most likely to fit their needs (including their economic needs).

Applicants respectfully request reconsideration

Claim 12 as amended of the present application recites: "... entering geographical region, postal code, town name, or county name into the search key;

sorting the database according to price.”

In the present application **claim 12** clearly requires a sorting of the database according to price.

In contrast to claim 12 as amended, the reference Ziff Davis clearly states that **a comparison of products will be provided, compare Ziff Davis**, paragraphs 3,4, and so at best Ziff Davis could be sorted by products, but Ziff Davis does not suggest sorting by price. Compare the reference Ziff Davis as follows:

paragraph 3 “...NetBuyer will provide users with detailed information on all major categories of **computer products**, which are gathered into an intuitive, fully searchable database that is tightly integrated with Ziff-Davis...” ;

paragraph 4 “... NetBuyer is designed to quickly and easily guide users **through the entire buying process**, from identifying their needs, to comparing products”.

Where Ziff Davis guides the user through the entire buying process (Ziff-Davis paragraph 4), it is not understood where a suggestion should come from to sort according to price and it is believed that any allegation that Ziff Davis presents information sorted by price is clear hindsight in view of applicants’ invention.

The Office Action continues:

As per **claim 13**, the Ziff-Davis-NetDynamics combination teaches the concept of **comparing desired products** from different merchants via the Internet, **ordering products online**, and then **picking up** the products at a **local** merchant (as discussed above). In order for such a system to be operational, a customer must specify his/her location so that stores truly local to the customer can be identified. The Examiner submits that the use of a **state** to identify one's location (thereby implying one's local region) is old and well-known in the art; therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to request that a prospective buyer specify a **state** in which a desired product will be searched for and then pick-up, if available, as part of the Ziff-Davis-NetDynamics combination in order to allow a prospective buyer to quickly learn if desired products are available for pick-up locally (instead of forcing the prospective buyer to read through useless product inventory data from stores in remotely located states). Further, the notion of sorting a database by sales price was addressed above as well; therefore, the concept of presenting products in an ascending order based on sales price (as part of the Ziff-Davis-NetDynamics combination) would also have been obvious to one of ordinary skill in the art at the time of Applicant's invention in order to allow customers to more quickly narrow down their product selections to a more reasonable set of products that are the most likely to fit their needs (including their economic needs). Finally, as discussed above, the concept of **sorting** data provides a convenience to someone reviewing the sorted data; therefore, the Examiner submits that it would

have been obvious to one of ordinary skill in the art at the time of Applicant's invention to allow a prospective buyer to sort product data as seen fit by the buyer (e.g., **based on price, merchant name, etc.**) in order to facilitate a quicker review of only the most pertinent products fitting the buyer's needs.

Applicants respectfully request reconsideration.

Claim 13 as amended reads “...entering data for merchants offering a specific product in a specific state into the database, wherein the data includes merchant name, product description, sales price, coupons or rebates;
providing access to the database through a browser interface;
presenting options to the prospective buyer for choosing a state and a product;
retrieving the data after the state and product are chosen by the prospective buyer;
sorting records in an ascending order based on sales price into a listing;
presenting the prospective buyer with the listing including merchants offering the product for sale in the chosen state;
furnishing an option to the prospective buyer to initiate sorting based on a merchant name.”

Applicants respectfully disagree with the assertion of the Office Action. Ziff-Davis and NetDynamics agree not to provide price comparisons of local merchants and not to enable a buyer to select among local competitive stores.

Ziff-Davis clearly states that their proposal covers the entire buying process and it does not provide collecting, storing, sorting and presenting information for prospective buyer.

Claim 13 application is presented in amended form and applicants respectfully request reconsideration this claim.

The Office Action continues:

Regarding **claim 14**, Ziff-Davis does not explicitly disclose the use of a **unique address corresponding to a geographical area-product combination**; however, the Examiner asserts that the assignment of a **unique web address corresponding to a particular geographical region is old and well-known in the art**. This technique is helpful in reducing Internet traffic at a given web site. Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to map the merchant and product data (of the Ziff-Davis-NetDynamics combination) to a unique address and **present comparison data for a unique geographical area-product pair** to the prospective buyer via this unique address in order to minimize Internet traffic build-up at a given web site. This will

speed up each prospective buyer's Internet connection, thereby providing a more pleasant online shopping experience.

Applicants respectfully request reconsideration of claim 14.

Claim 14 as amended of the present application reads as follows: “mapping the data to a unique address for a geographical area-product pair combination; immediately presenting comparison data for a unique geographical area-product pair to the prospective buyer.”

The present application method guides a prospective buyer to a local store. Therefore presenting a unique geographical area-product pair to the prospective buyer is a very important element for the buyer as the buyer is for example enabled to select the nearest store. In particular, an (nearest) Internet merchant address according to Ziff Davis in general will not correspond to a nearest store.

Claim 14 application is now amended and applicants respectfully request reconsideration this claim.

The Office Action continues:

In reference to **claim 15** and as discussed above, NetDynamics teaches the steps of checking inventory at a local store of a merchant upon request of a prospective buyer to determine **availability** of a chosen product and **reserving the product** at the **local store** for pickup after determining availability has been

performed. Again, this shopping arrangement provides for the fulfillment of many customers' need for **immediate gratification** (i.e., the ability to pick up a desired product from a local store). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the **steps of checking inventory** at a local store of a merchant upon request of a prospective buyer **to determine availability** of a chosen product and reserving the product at the local store for pickup after determining availability has been performed with Ziff-Davis' Internet shopping system in order to reap the benefits of Ziff-Davis' product and price comparison features among multiple merchants while fulfilling many customers' need for immediate gratification (i.e., the ability to pick up a desired product from a local store).

Applicants respectfully request reconsideration of claim 15.

Claim 15 as amended of the present application includes the language:

“checking inventory at a local store of a merchant upon request of a prospective buyer to determine availability of a chosen product;
checking delivery status of the product;
reserving the product at the local store for pickup after determining availability has been performed.”

The present invention is directed to sales of products, where the products are offered for sale in stores maintained by merchants which the prospective buyers may

personally visit to see and/or touch and/or feel the product before making the purchase. Conventionally, prospective buyers have purchased products that are offered for sale in stores maintained by merchants, where the prospective buyer visits the store to see and/or touch and/or feel the product before making a purchase. Checking the store inventory before going to the store to pick up the product will cut down on bait and switch. Therefore the prospective buyer should be sure that he can examine the products in a local store. Such assured purchase services are specified in claim 15.

Claim 15 application is now amended and applicants respectfully request reconsideration this claim.

The Office Action continues as follows:

Regarding **claim 16**, both Ziff-Davis and NetDynamics facilitate the payment of an ordered product via the Internet; however, neither reference expressly teaches payment through the use of either a **registration token or a credit card number**. The Examiner asserts that it is old and well-known in the art to make payments via the Internet using either a registration token or a credit card number; therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate the use of a registration token or a credit card number to order and pay for a product via the Internet (as part of the Ziff-Davis-NetDynamics combination) in order to facilitate convenient and secure Internet payments. Further,

since the ZiffDavis-NetDynamics combination teaches the online reservation of an item before picking it up, the ability to make payment via the Internet provides extra assurance to the merchant that the reserved item will be picked up by a customer. In other words, reserved items are confirmed sales as opposed to items merely put on hold that may or may not ever be picked up and paid for by the customer.

Applicants respectfully request reconsideration of amended claim 16.

Claim 16 of the present application as amended reads as follows:

“entering a registration token;
accepting the registration token by the merchant;
guaranteeing a purchase by the merchant based on the accepting of the registration token by the merchant.”

Many stores offer a thirty-day price protection. A majority of prospective buyers currently purchase products that are offered for sale in stores maintained by merchants which the prospective buyer visits to see and/or touch and/or feel the product before making a purchase. Therefore the prospective buyer should be sure that he can examine the product of interest in a local store. Such satisfying services are required according to claim 16, which services induce a prospective buyer to purchase from the merchant.

Applicants respectfully request also reconsideration claims 17 through 19, 21, 23, 28 through 33 of the application as the issues were addressed in connection with amended claims 11-16.

The Office Action gives the following conclusion:

8. This is a Request for Continued Examination. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application.

Applicants respectfully disagree. Claim 19 could not have been finally rejected on the grounds and art of record as it was amended after issuance of the final rejection of August 12, 2002.

Accordingly, THIS ACTION IS MADE FINAL even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicants respectfully request reconsideration of the Finality of the present Office Action in view of the amendment to claim 19 after the Final Rejection of August 12, 2002.

The present amendment is intended to present claims which are deemed to be in better form for appeal.

The present amendment is deemed to remove and/or simplify issues which would otherwise require consideration in an appeal.

The present amendment is believed not to present any new issues since the claims are substantially based on previously presented claims and since such limitations had been individually submitted earlier and had been considered earlier.


It is submitted that the amendment is a bona fide attempt to advance the prosecution by amendments to the claims seeking to overcome rejections based on the applied prior art and/or rejections under 35 U.S.C. 112.

It is submitted that the present amendment complies with observations made in the Final Rejection.

Reconsideration of all outstanding rejections is respectfully requested.

Entry of the present amendment is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,
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